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5 *Attorneys for the Defendant*

6 **UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA**

7 UNITED STATES OF AMERICA,

8 Plaintiff,

9 v.

10 KEION JOE'L CHERRY,

11 Defendant.

Case No. 2:21-mj-00139-DJA

ORDER to Continue Preliminary Hearing  
(Second Request)

13  
14 IT IS HEREBY STIPULATED AND AGREED, by and between Christopher Chiou,  
15 Acting United States Attorney; Lisa Cartier Giroux, Assistant United States Attorney; Kimberly  
16 Sokolich, Assistant United States Attorney, representing the United States of America and Nadia  
17 J. Ahmed, Esq., counsel for defendant Keion Joe'l Cherry, that the preliminary hearing in the  
18 above captioned case, which is currently scheduled for April 26, 2021 at 4:00pm, be continued  
19 and reset to a date and time convenient to the Court, but no sooner than sixty (60) days.

20 1. Current counsel was appointed to replace prior counsel on March 2, 2021 (ECF No.  
21 14) and needs additional time to review discovery, to meet and confer with defendant, and to  
22 discuss hearing strategies in this case.

23 2. The government has provided counsel for the defendant with limited Rule 16 pre-  
24 indictment discovery. Counsel for the defendant requests additional time to review the discovery  
and discuss it with her client prior to a preliminary hearing or indictment. Additionally, the parties

1 are discussing a pre-indictment resolution that may resolve the matter without a preliminary  
2 hearing.

3 3. This continuance is not sought for purposes of delay, but to allow defense counsel  
4 an opportunity to review discovery with her client and prepare for the preliminary hearing.

5 4. The defendant is not detained and agrees to the continuance.

6 5. Both counsel for the defendant and counsel for the government agree to the  
6 continuance.

7 6. Federal Rule of Criminal Procedure 5.1(d) provides that a magistrate judge may  
8 extend the time limits in Rule 5.1(c) with the defendant's consent and upon a showing of good  
9 cause taking into account the public interest in the prompt disposition of criminal cases. Because  
10 the defendant requires time to review discovery with their client prior to the preliminary hearing,  
11 good cause exists to extend the time limits in Rule 5.1(c).

12 7. The time from April 26, 2021, to the new preliminary hearing date will be  
13 excludable under the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), which  
14 provides that the Court may exclude time arising from a continuance upon finding that the ends  
15 of justice served by granting the continuance outweigh the best interests of the defendant and the  
16 public in a speedy trial.

17 8. Denial of this request could result in a miscarriage of justice, and the ends of justice  
18 served by granting this request outweigh the best interest of the public and the defendants in a  
19 speedy trial.

20 9. The additional time requested by this stipulation is excludable in computing the  
21 time within which the indictment must be filed pursuant to the Speedy Trial Act, Title 18, United  
22 States Code, Section 3161(b), and considering the factors under Title 18, United States Code,  
23 Section 3161(h)(7)(A) and (B)(i) and (iv).

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10. This is the second request to continue the preliminary hearing.

DATED this 20<sup>th</sup> day of April, 2021.

CHRISTOPHER CHIOU  
Acting United States Attorney

/s/ Lisa C. Cartier Giroux  
LISA C. CARTIER GIROUX  
Assistant United States Attorney

/s/ Nadia Ahmed  
NADIA AHMED, Esq.  
Counsel for Defendant Anderson

/s/ Kimberly Sokolich  
KIMBERLY SOKOLICH  
Assistant United States Attorney

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1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA, ) Case No.: 2:21-mj-00139-DJA  
4 Plaintiff, ) **Findings and Order on Stipulation**  
5 vs. )  
6 KEION JOE'L CHERRY, )  
7 Defendant. )

8 Based on the pending Stipulation between the defense and the government, and good  
9 cause appearing therefore, the Court hereby finds that:

- 10 1. Current counsel was appointed to replace prior counsel on March 2, 2021 (ECF No.  
11 14) and needs additional time to review discovery, to meet and confer with  
12 defendant, and to discuss hearing strategies in this case.
- 13 2. The government has provided counsel for the defendant with limited Rule 16 pre-  
14 indictment discovery. Counsel for the defendant requests additional time to review  
15 the discovery and discuss it with her client prior to a preliminary hearing or  
16 indictment.
- 17 3. To allow the defense time to review the discovery with their client prior to the  
18 preliminary hearing and with the defendant's consent, the preliminary hearing in  
19 this case should be continued for good cause.
- 20 4. The defendant is not detained and agrees to the continuance.
- 21 5. Both counsel for the defendant and counsel for the government agree to the  
22 continuance.
- 23 6. This continuance is not sought for purposes of delay, but to allow defense counsel  
24 an opportunity to review discovery with their client prior to a preliminary hearing  
or indictment.
7. Denial of this request could result in a miscarriage of justice, and the ends of

1 justice served by granting this request outweigh the best interest of the public and  
2 the defendants in a speedy trial.

3 8. The additional time requested by this stipulation is excludable in computing the  
4 time within which the indictment must be filed pursuant to the Speedy Trial Act,  
5 Title 18, United States Code, Section 3161(b), and considering the factors under  
6 Title 18, United States Code, Section 3161(h)(7)(A) and (B)(i) and (iv).

7 9. This is the second request for a continuance of the preliminary hearing requested  
8 by the parties.

9 THEREFORE, IT IS HEREBY ORDERED that the preliminary hearing in the above-  
10 captioned matter currently scheduled for April 26, 2021 at 4:00 p.m. be vacated and continued to  
11 June 28, 2021, at 4:00 p.m., Courtroom 3A.

12 DATED this 21st day of April, 2021.

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15 HONORABLE DANIEL J. ALBREGTS  
16 United States Magistrate Judge  
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